



APPENDIX A

AFFIDAVIT OF PROFESSOR WILLIAM BOWERS

I am a sociologist with particular training in statistics and computer applications to sociology. I graduated from Washington and Lee University in 1957 and received my doctorate in sociology in 1966 from Columbia University. I am presently a professor of sociology at Northeastern University, Boston, Massachusetts, and Director of that University's Center for Applied Social Research.

Since approximately 1972, I have been engaged in research, study, and writing on the use of the death penalty in the United States. I am the author of numerous articles on the subject and of the book *Executions in America*, published in 1974.

Together with the Assistant Director here at the Center, Glenn L. Pierce, and others, I have supplied the figures and statistics on race-victim death sentencing disparities contained in appendices A and B of this complaint. These figures are accurate to the best of our abilities and reflect sustained research and the use of widely-accepted statistical methods.

I believe, on the basis of my research and analysis, that the broad pattern of race-victim death sentencing disparities complained of in the foregoing document remain unremedied by state or federal authorities and therefore continue today.

(signed) William Bowers

Professor William Bowers

SS: Commonwealth of Massachusetts
County of Suffolk

Subscribed and sworn to before me this 11th day of April, 1980.

(signed) Philip C. Boyd

Notary Public

My Commission Expires:
Nov. 28, 1980

SEAL

FLORIDA

PROBABILITY OF RECEIVING THE DEATH
SENTENCE FOR CRIMINAL HOMICIDE BY RACE
OF OFFENDER AND VICTIM IN FLORIDA FROM
THE EFFECTIVE DATE OF THE POST-FURMAN
STATUTE THROUGH 1977

<i>Race of Offender</i>	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
White	2265	72	.032
Black	2606	61	.023
<i>Race of Victim</i>			
White	2439	122	.050
Black	2432	11	.005
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	286	48	.168
White Kills White	2146	72	.034
Black Kills Black	2320	11	.005
White Kills Black	111	0	.000
<i>All Offenders</i>	4871	133	.027

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from January 1973 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Uniform Crime Reports Program, Department of Law Enforcement, Tallahassee, Florida; (3) persons sentenced to death from January 1973 through December 1977, supplied by Citizens Against the Death Penalty, Jacksonville, Florida.

^aThe estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years 1976, 1977 (sources: 1, 2) by victim-based adjustment factor to correct for undercoverage. The adjustment factor 3.484 equals the number of homicide victims from January 1973 through December 1977 (sources: 1, 2) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

GEORGIA

PROBABILITY OF RECEIVING THE DEATH SENTENCE FOR CRIMINAL HOMICIDE BY RACE OF OFFENDER AND VICTIM IN GEORGIA FROM THE EFFECTIVE DATE OF THE POST-FURMAN STATUTE THROUGH 1977

	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
<i>Race of Offender</i>			
White	1082	41	.038
Black	2716	49	.018
<i>Race of Victim</i>			
White	1265	76	.060
Black	2529	14	.005
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	258	37	.143
White Kills White	1006	39	.039
Black Kills Black	2458	12	.005
White Kills Black	71	2	.028
<i>All Offenders</i>	3798	90	.024

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from April 1973 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Criminal Activity Reporting Unit, Georgia Bureau of Investigation, Georgia Crime Information Center, Atlanta, Georgia; (3) Vital Statistics tabulations on willful homicides from April 1973 through December 1977, supplied by the Office of Health Services Research and Statistics, Division of Physical Health, Atlanta, Georgia; (4) Persons sentenced to death from April 1975 through December 1977, supplied by Georgia Committee Against the Death Penalty, Atlanta, Georgia.

^aThe estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years 1976, 1977 (sources: 1, 2) by a victim-based adjustment factor to correct for undercoverage. The adjustment factor 4.453 equals the number of homicide victims from April 1973 through December 1977 (source: 3) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

TEXAS

**PROBABILITY OF RECEIVING THE DEATH
SENTENCE FOR CRIMINAL HOMICIDE BY RACE
OF OFFENDER AND VICTIM IN TEXAS FROM THE
EFFECTIVE DATE OF THE POST-FURMAN
STATUTE THROUGH 1977**

<i>Race of Offender</i>	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
White	3771	38	.010
Black	2940	29	.010
<i>Race of Victim</i>			
White	3964	71	.018
Black	2740	2	.001
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	344	27	.078
White Kills White	3616	37	.010
Black Kills Black	2597	2	.007
White Kills Black	143	0	.000
<i>All Offenders</i>	6711	73	.011

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from January 1974 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Uniform Crime Reporting Bureau, Texas Department of Public Safety, Austin, Texas; (3) Vital Statistics records on willful homicides from January 1974 through December 1977, supplied by the Bureau of Vital Statistics, Texas Department of Health, Austin, Texas; (4) persons sentenced to death from January 1974 through December 1977, supplied by the Office of Court Administration, The Supreme Court of Texas, Austin, Texas.

^aThe estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years, 1976, 1977 (sources: 1, 2) by a victim-based adjustment factor to correct for undercoverage. The adjustment factor 2.473 equals the number of homicide victims from January 1974 through December 1977 (source: 3) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

FLORIDA

PROBABILITY OF RECEIVING THE DEATH SENTENCE FOR FELONY TYPE MURDER BY RACE OF OFFENDER AND VICTIM IN FLORIDA FROM THE EFFECTIVE DATE OF THE POST-FURMAN STATUTE THROUGH 1977

<i>Race of Offender</i>	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
White	307	54	.176
Black	251	50	.199
<i>Race of Victim</i>			
White	432	97	.224
Black	122	7	.057
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	136	41	.301
White Kills White	296	54	.182
Black Kills Black	115	7	.061
White Kills Black	7	0	.000
<i>All Offenders</i>	558	104	.186

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from January 1973 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Uniform Crime Reports Program, Department of Law Enforcement, Tallahassee, Florida; (3) persons sentenced to death from January 1973 through December 1977, supplied by Citizens Against the Death Penalty, Jacksonville, Florida.

^aThe estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years 1976, 1977 (sources: 1, 2) by victim-based adjustment factor to correct for undercoverage. The adjustment factor 3.484 equals the number of homicide victims from January 1973 through December 1977 (sources: 1, 2) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

GEORGIA

PROBABILITY OF RECEIVING THE DEATH SENTENCE FOR FELONY-TYPE MURDER BY RACE OF OFFENDER AND VICTIM IN GEORGIA FROM THE EFFECTIVE DATE OF THE POST-FURMAN STATUTE THROUGH 1977

<i>Race of Offender</i>	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
White	196	37	.189
Black	338	42	.124
<i>Race of Victim</i>			
White	316	69	.218
Black	218	10	.046
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	134	34	.254
White Kills White	183	35	.191
Black Kills Black	205	8	.039
White Kills Black	13	2	.154
<i>All Offenders</i>	534	79	.148

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from April 1973 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Criminal Activity Reporting Unit, Georgia Bureau of Investigation, Georgia Crime Information Center, Atlanta, Georgia; (3) Vital Statistics tabulations on willful homicides from April 1973 through December 1977, supplied by the Office of Health Services Research and Statistics, Division of Physical Health, Atlanta, Georgia; (4) Persons sentenced to death from April 1973 through December 1977, supplied by Georgia Committee Against the Death Penalty, Atlanta, Georgia; (4) Persons sentenced to death from April 1973 through December 1977, supplied by Georgia Committee Against the Death Penalty, Atlanta, Georgia.

The estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years 1976, 1977 (sources: 1, 2) by a victim-based adjustment factor to correct for undercoverage. The adjustment factor 4.453 equals the number of homicide victims from April 1973 through December 1977 (source: 3) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

TEXAS

PROBABILITY OF RECEIVING THE DEATH
SENTENCE FOR FELONY-TYPE MURDER BY RACE
OF OFFENDER AND VICTIM IN TEXAS FROM THE
EFFECTIVE DATE OF THE POST-FURMAN
STATUTE THROUGH 1977

<i>Race of Offender</i>	<i>Estimated Number of Offenders^a</i>	<i>Persons Sentenced to Death</i>	<i>Probability of a Death Sentence</i>
White	411	34	.083
Black	294	27	.092
<i>Race of Victim</i>			
White	551	63	.114
Black	151	2	.013
<i>Offender/Victim Racial Combinations</i>			
Black Kills White	173	25	.144
White Kills White	378	34	.090
Black Kills Black	121	2	.016
White Kills Black	30	0	.000
<i>All Offenders</i>	705	61	.087

Data Sources: (1) Supplementary Homicide Reports on criminal homicide data from January 1974 through December 1976, supplied by the Uniform Crime Reporting Program, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C.; (2) Supplementary Homicide Reports on criminal homicide data for 1977, supplied by the Uniform Crime Reporting Bureau, Texas Department of Public Safety, Austin, Texas; (3) Vital Statistics records on willful homicides from January 1974 through December 1977, supplied by the Bureau of Vital Statistics, Texas Department of Health, Austin, Texas; (4) persons sentenced to death from January 1974 through December 1977, supplied by the Office of Court Administration, The Supreme Court of Texas, Austin, Texas.

^aThe estimated number of offenders for a given category is obtained by multiplying the reported number of offenders in that category for the years 1976, 1977 (sources: 1, 2) by a victim-based adjustment factor to correct for undercoverage. The adjustment factor 2.473 equals the number of homicide victims from January 1974 through December 1977 (source: 3) divided by the number of homicide victims in the years 1976, 1977 (sources: 1, 2).

APPENDIX B

Universal Declaration of Human Rights, *adopted* Dec. 10, 1948
G.A. Res. 217, U.N. doc. A/810 (1948) arts. 2, 7, 14;

International Covenant on Civil and Political Rights, *adopted*
Dec. 16, 1966, G.A. Res. 2200A, 21 U.N. GAOR, Supp. (No.
16) arts. 2(a), 13, 26;

International Covenant on Economic, Social And Cultural
Rights, *adopted* Dec. 16, 1966, G.A. Res. 2200A, 21 U.N.
GAOR, Supp. (No. 16) art. 2(2);

Charter of the Organization of American States, April 30, 1948,
2 U.S.T. 2395, T.I.A.S. No. 2361, art. 3(j);

American Declaration of the Rights and Duties of Man, O.A.S.
Res. XXX, *adopted* by the Ninth International Conference of
American States, held at Bogota, Columbia (1948), OEA/Ser.
L./V/I. 4 Rev. (1965) Arts. II. XXCII;

American Convention on Human Rights, *signed* Nov. 22, 1969,
OAS Official Records OEA/Ser. K/XVI/i.i, Doc. 65, Rev. 1,
Corr. 1 (Jan. 7, 1970) arts. 22(7), 22(9), 24;

European Convention on Human Rights, 213 U.N.T.S. 221
(1950) arts. 5, 14;

International Convention on the Suppression and Punishment
of the Crime of Apartheid, *adopted* Nov. 30, 1973, G.A. Res.
3068, 28 U.N. GAOR, Supp. (No. 30) 75, U.N. Doc. A/9233/
Add. 1 (1973);

United Nations Declaration on the Elimination of All Forms of
Racial Discrimination, *adopted* Nov. 20, 1963, G.A. Res. 1904,
18 U.N. GAOR Supp. (No. 15) 35, 36, U.N. Doc. A/5515 (1963)
art. 1;

International Convention on the Elimination of All Forms of
Racial Discrimination, *opened for signature* March 7, 1966, 660
U.N.T.S. 195, arts. 1, 2;

Declaration of Social Progress and Development, *adopted* Dec. 11, 1969, Arts. 1 and 2, G.A. Res. 2542, 24 U.N. GAOR, Supp. (No. 30) 49, U.N. Doc. A/7630 (1969);

Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, *adopted* Dec. 7, 1965; Principles 1 and 3, G.A. Res. 2037, 20 U.N. GAOR, Supp. (No. 14) 40, U.N. Doc. A/6015 (1965);

Employment Policy Convention, *adopted* July 9, 1964, Art. 1(2)(c), 569 U.N.T.S. 65 (entered into force July 15, 1964);

Protocol to the Convention against Discrimination in Education, *adopted* Dec. 10, 1962, [1969] U.N.T.S. No. 9423 (Cmd. 3894);

Convention against Discrimination in Education, *adopted* Dec. 14, 1960, 429 U.N.T.S. 93, 96 (UNESCO General Conference) (entered into force May 22, 1962);

Declaration on the Rights of the Child, Principle 1, *adopted* Nov. 20, 1959, G.A. Res. 1386, 14 U.N. GAOR, Supp. (No. 16) 19, U.N. Doc. A/4354 (1959);

Convention concerning Discrimination in Respect of Employment and Occupation, *adopted* June 25, 1958, 362 U.N.T.S. 31 (ILO General Conference) (entered into force June 15, 1960);

Convention Relating to the Status of Stateless Persons, Art. 3, *adopted* Sept. 23, 1954, 360 U.N.T.S. 117 (entered into force June 6, 1960);

Convention on Human Rights and Fundamental Freedoms, *adopted* Nov. 4, 1950, 1950 Europ. T.S. No. 5, 213 U.N.T.S. 221;

Convention Relating to the Status of Refugees, *adopted* July 25, 1951, Art. 3, 189 U.N.T.S. 304 (entered into force May 23, 1953);

Convention on the Prevention and Punishment of the Crime of Genocide, *adopted* Dec. 9, 1948, 78 U.N.T.S. 277 (entered into force Jan. 12, 1951).